JustResearch

Research and Statistics Division

November 2000

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Welcome

Welcome to the fourth edition of JustResearch. This edition represents a milestone for the Research and Statistics Division as it completes our first year of producing syntheses of the latest policy relevant research literature. As the first year of our publication comes to an end, we feel the timing is appropriate to look back and reflect on the tremendous growth and success of the Division. The increased research, statistical and dissemination capacity of the Division, and ultimately the Department, is the direct result of a dedicated and hard-working team of professional researchers, students and support staff. In particular, the support of both our former Director General, Andrée Delagrave, and our former Senior Assistant Deputy Minister, Janice Charette have been invaluable in our efforts to assist the Department of Justice in enhancing its capacity for evidence-based decision making.

In this Issue

You will find that this issue is rather diverse and covers a larger number of policy relevant issues including domestic violence and the use of mediation, cyber-crime, and same-sex relationship violence. In addition, we have highlighted a number of research projects currently underway in the Division, as well as our usual coverage of interesting research from around government.

Department of Justice Canada | Ministère de la Justice Canada

Canada

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Contributors

REVIEWERS
Dan Antonowicz
Steven Bittle
Nicola Epprecht
Dariusz Galczynski
Tina Hattem
Jeff Latimer
Stephen Mihorean
Danielle Muise
Nathalie Quann
Julian Roberts
Marilyn Roth
Suzanne Wallace-Capretta
Michelle Grossman

ADVISORY PANEL
Stan Lipinski
Julian Roberts
Roberta Russell

PUBLICATIONS OFFICER
Charlotte Mercier

Feedback

We invite your comments and suggestions for future issues of *JustResearch*. We welcome your ideas for articles, themes, topics or key words and are happy to include information on any relevant and interesting research work undertaken in other Departments.

We may be contacted at **rsd.drs@justice.gc.ca**

Upcoming Symposiums

First International Francophone Congress on Sexual Abuse.
January 31 - February 2, 2001, Quebec City, Quebec
Theme: Prévention, intervention, solutions à partager
http://www.rimas.qc.ca or http://www.pinel.qc.ca

Australian And New Zealand Society Of Criminology Conference 2001
February 21-23, 2001, Melbourne, Australia
Theme: Criminology in the 21st Century: Public Good or Private Interest?
http://www.pb.unimelb.edu.au/fbo/conf/anzsoc/anzsoc2001.html

Academy Of Criminal Justice Sciences
April 3-7, 2001, Washington, D.C.
Theme: Questioning the Quality of Justice in Social and Political Contexts
http://www.acjs.org

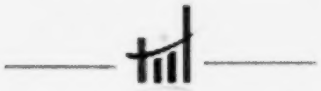
Fifth National Conference on Family and Community Violence Prevention
April 5-7, 2001, Los Angeles, California
Theme: Families Building Bridges: Strategies To Prevent Violence
http://www.fcvp.org

Connexions

United Nations Crime and Justice Information Network
This electronic clearinghouse is the culmination of several years of incremental efforts co-ordinated by the United Nations' Centre for International Crime Prevention.
http://www.uncjin.org

Research Development and Statistics Directorate – Home Office
There are a variety of publications on a wide range of criminal justice issues contained in this site including research studies, Home Office papers, research and statistical bulletins and briefing notes.
http://www.homeoffice.gov.uk/rds

International Centre for the Prevention of Crime (ICPC)
The ICPC was created for the purpose of assisting cities and countries to reduce delinquency, violence and insecurity through the promotion of best practices in crime prevention gleaned from Europe, North America and other regions around the world.
http://www.crime-prevention-intl.org



CYBER-CRIME

Drucker, S., & Gumpert, G. (2000). **Cyber-crime and punishment.** *Critical Studies in Media Communication,* 17, 133-158.

Reviewers:
Dariusz Galczynski, Research Dissemination Officer
Suzanne Wallace-Capretta, Senior Research Officer

Computer mediated communication is a recent phenomenon which provides new opportunities for criminals, and thereby creates new challenges for the justice system in Canada and around the world. During the recent Federal-Provincial-Territorial Meeting of Ministers Responsible for Justice which was held in Iqaluit on September 11-12, 2000, the Ministers focused considerable attention on high-tech crimes as well as crime on the Internet. The Ministers discussed the use of electronic media in organised crime and the effects of violence in entertainment media, including video games and the Internet, on children and youth.

The article by Drucker and Gumpert analyses various forms of criminality committed via the Internet and discusses a regulatory framework which could be used to design laws against cyber-crime. Cyberspace and computer mediated communication generates various types of offences:

1. offences committed via e-mail or Internet which are not unique to cyberspace (e.g., fraud, extortion, theft, stalking);
2. virtual crimes - similar to other types of crime but lacking a physical component such as unwanted touching, bodily harm, or death (e.g., cyber-laundering, virtual rape, virtual homicide – meaning when a computer generated character created by an individual, as a representation of himself or herself, is sexually assaulted or killed by another individual's character);
3. violation of e-mail or Internet regulations (e.g., violation of telecommunications regulations);
4. ethical violations of Cybercodes of conduct ("netiquette").

The authors argue that the traditional legal response to crime which uses a metaphor-based reasoning ("this is like that") may not be applicable to every type of cyber-crime because of the uniqueness of the offences committed via the Internet. In particular, virtual crimes and violation of rules governing regulated media should focus on psychological violation, rather than physical harm.

Some types of offences committed via the Internet produce tangible criminal effects in the material sense. In the case of a virtual crime (e.g., harassment, stalking, virtual rape and virtual murder), what type of response is warranted when the crime committed did not involve physical contact? Should there be virtual imprisonment or a virtual death penalty when neither physical force nor an intent to physically harm is involved? Many crimes, by definition, require as an essential element of the crime unwanted touching, bodily harm, or death. What if a cyberstalker commits a crime by sitting in front of a computer in the U.S. and the victim reads the message on his or her computer somewhere in Canada? How should the criminal justice system proceed?

The authors refer to Johnson and Post's four basic competing models for controlling the net as possible responses. Johnson and Post suggest that new regulations can emerge as a result of the action taken by territorial sovereigns who either amend laws to govern actions of net use and the impact on their citizens or who establish multi-lateral international agreements and uniform laws which govern the net. Johnson and Post also argue that rules could be established by new international bodies, created to control activities on the net. Finally, regulations could simply emerge as a result of interplay among different parties who use the net.

According to Drucker and Gumpert, many laws have been drafted to regulate the use of electronic communication, however "the uniqueness of the Internet environment requires a different legal response to traditional and newly emerging questions of criminal law and punishment."

RESTORATIVE JUSTICE

Changing punishment at the turn of the century: finding the common ground. *Special Issue of the Canadian Journal of Criminology* - July 2000

Reviewer: Julian Roberts, Visiting Scholar

In September 1999, the Canadian Institute for the Administration of Justice held its annual meeting in Saskatoon. The focus of the conference was upon Restorative Justice. There were several themes, and the meeting also marked several anniversaries, including the centenary of conditional release in Canada and the 30 years since the publication of the Ouimet Report. The principal theme addressed at the conference was framed as a question: Are we in the midst of a paradigm shift in Canada, from a model of punitive to restorative justice? This issue is the first special issue of a Canadian journal devoted to the topic.

Several of the papers from the 1999 conference were subsequently collected and published in special issues of the Canadian Journal of Criminology and the Canadian Criminal Law Review. The special issue of the Canadian Journal of Criminology was edited by Professor Kent Roach, from the Faculty of Law at the University of Toronto, and Shereen Benzvy Miller from the Correctional Service of Canada.

Emerging Themes

Several important themes emerged from the conference. First, it is apparent that public and professional conceptions of justice are changing. Much of the impetus for this evolution in our attitudes to crime and punishment has come from recent judgements from the Supreme Court (in particular *R. v. Gladue*, and *R. v. Proulx*). These judgements have affirmed the importance of restorative justice within the Canadian criminal justice system.

The second theme is that achieving a more restorative approach to offending will require overcoming some political hurdles. The criminal law reform process is very complex, and influenced by populist forces which may oppose any initiative (such as restorative justice) which appears to be, or can be misrepresented to be, "soft on crime".

The third theme is that restorative initiatives cannot flourish, indeed will wither away, unless they are sufficiently "resourced". Stable funding is a necessary pre-condition of any new program or initiative. Legal judgements can only set the stage for new initiatives; effective implementation is equally vital.

Finally, several authors in the volume warn of the dangers that can be associated with the misuse of restorative justice initiatives. For example, Kent Roach identifies "widening of the net", by which he refers to the increase of social control which can emerge when alternatives to imprisonment (such as the conditional sentence) are introduced.

The Papers

The special issue of the Canadian Journal of Criminology contains seven papers dealing in broad terms with the issue of sentencing reform and restorative justice. In the first article Kent Roach explores the rise of restorative justice initiatives and programs in Canada, and sets the stage for the remainder of the issue. John Braithwaite, one of the leading international experts on Restorative Justice, provides a succinct overview of the theory of reintegrative shaming. By means of concrete examples he shows how certain societies communicate disapproval of offending yet maintain the respect of individual offenders.

Helene Dumont, professor of Law at the University of Montreal explores the role that mercy plays in the administration of justice. Dumont argues that the expression of mercy is an essential act of justice that leads towards a better future. Anthony Doob (Centre of Criminology, University of Toronto) argues that Canada does not have a "sensible and defensible sentencing policy". He explores the literature on public perception and concludes that there is a clear need for criminal justice policy to move away from the simplistic rhetoric of harsh versus soft sentencing to a more informed debate about what is intelligent and fair.

Mary Campbell describes the debate over the criminal justice response to crime, and argues that the current framework fails to adequately capture the complexity of the current debate.

In the final two articles, Kent Roach, Jonathan Rudin and Patrick Healy explore the implications of recent Supreme Court judgements with respect to sentencing. Roach and Rudin examine the reception of the Gladue decision pertaining to aboriginal offenders, while Healy examines the conditional sentence appeals which resulted in judgements published in early 2000. Both the Gladue decision and the conditional sentence judgements have important consequences for the future of restorative justice in Canada. The special issue concludes with a commentary by Shereen Miller and Mark Schacter.

Copies of the special issue "Changing Punishment and Restorative Justice" can be obtained from the Canadian Criminal Justice Association (725-3715).

MEDIATION AND DOMESTIC VIOLENCE

Imbrogno, A., & Imbrogno, S. (2000). **Mediation in court cases of domestic violence**. *Families in Society: The Journal of Contemporary Human Services*, 81, 392-400.

Reviewer: Danielle Muise, Research Assistant

In a time when judicial systems are faced with extensive case backlogs, alternative dispute resolution mechanisms, such as mediation, are being called upon more frequently. Social workers in the United States, for example, have been designated to assume the role of mediators in cases of rape, child and sexual abuse, spousal assault, divorce and child custody cases. This article is concerned with the use of mediation in cases of spousal abuse and explores the consequences of involving social workers in this domain.

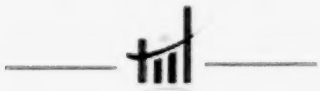
During the latter part of the 20th century, the feminist movement urged the creation of legislation against spousal abuse. The contributions of this movement resulted in the criminalization of spousal assault, the creation of women's shelters and counselling services and an awareness of the seriousness of the issue through public education. According to Imbrogno and Imbrogno however, the recent shift to mediation places domestic violence back in the private sphere and removes the criminality. This negates the recent gains and undermines the seriousness of the violence. Furthermore, the authors state that the use of mediation assumes that the conflict can be resolved and that the disputing parties are able to engage in an equal and open conflict resolution process. This is the main argument presented against the use of mediation in cases of domestic violence. The power imbalances that exist between the perpetrator and his victim make it close to impossible for women to voluntarily consent to mediation or any decisions that result from the process.

The article further illustrates that the use of mediation can be problematic when social workers are ill prepared to effectively deal with the complexities inherent in violent relationships. In addition, the authors claim that mediators often perpetuate myths about domestic violence such as; women provoke the violence that is committed against them, counselling women to remain in the relationship for the sake of the children is necessary and family violence is a private matter to be kept within the family. This results in women having to face the mediator's bias as well as their perpetrator's abuse.

Mediation is not a formal technique with set standards and regulations, nor does it have access to official enforcement mechanisms similar to the courts. Furthermore, mediators are not accountable to the public as are judges and other professionals within the judicial system. The authors contend that professionals need to come together to formulate a response that will be effective in dealing with the complex nature of domestic violence and offer effective protection to women and their children.

This article outlines some of the critical issues that need to be considered when attempting to develop more appropriate and effective approaches to domestic violence. It also raises several research questions around the notion of mediator training and effectiveness. As with both civil mediation (i.e., dispute resolution) and criminal mediation (i.e., restorative justice), it appears that mediators might

have a rather critical role in both ensuring a fair and safe process and arriving at an agreeable outcome. This may be an area of future research that will help shape the debate around mediated responses to domestic violence.



GENDER SPECIFIC TREATMENT FOR OFFENDERS

Kempf-Leonard, K., & Sample. L. (2000). **Disparity based on sex: Is gender-specific treatment warranted?** *Justice Quarterly,* 17, 89-121.

Reviewers: Steven Bittle, Research Analyst
Tina Hattem, Senior Research Officer

A dearth of research on women offenders has contributed to a profound lack of knowledge about the backgrounds and needs of women who experience conflict with the law. Over the past twenty years, feminist researchers have struggled to break this silence surrounding women involved in the criminal justice system. In this article, Kimberly Kempf-Leonard and Lisa Sample examine gender-specific programming within the youth justice system in the United States. A growing recognition that "juvenile justice processing is not, but should be, responsive to the differences between girls and boys" provides part of the impetus for the authors' work.

A crucial issue considered in this article is that gender-focused initiatives within the American criminal justice system do not "specify how case processing should proceed nor what female-specific treatment should entail." Drawing upon lessons learned through initiatives to address the overrepresentation of minority youth in custody, the authors argue that "gender-specific" policies must be based upon triangulated research strategies, consider gender issues within the entire justice system, and not assume that hiring women to work with young female offenders in itself will address existing problems. Moreover, policymakers should understand that addressing gender and society issues represent a complex and lengthy process.

To examine the treatment of young women involved in the criminal justice system, the authors conducted research that was "sensitive to the issues that make gender concerns complex, including race, geographic location and the relationship between resources and the small number of 'clients'." Data were collected from court, police and state agency records, and through interviews with youth, court personnel and service providers.

Previous criminological research has discounted the experiences of women because "of their small numbers in comparison to male offenders," or incorrectly assumed that male-oriented research was applicable to females. For instance, attempts by criminologists to improve intervention techniques for young males – such as assessment and classification instruments – fail to consider gender-specific realities and needs.

Official data used for the present study revealed the "gendered-nature" of the 248,677 "juvenile" cases referred to the courts. "Females represented only 22.1 percent of the delinquency cases, but 42.2 percent of the status offences and 58.9 percent of the abuse and neglect cases." However, for the most part, the courts were "gender-neutral" in processing youth.

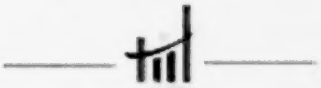
Compared to the minor gender differences detected within the official data, the interviews highlighted "major gaps in opportunities for treatment." Juvenile and family court judges and officers reported a scarcity of treatment options for females "suffering from chemical dependency, sexual victimisation, abuse or neglect, or truancy," and placement problems for females with mental health deficiencies. Focus groups conducted with young women revealed differential experiences with juvenile court staff, "simply because they were female." As one respondent stated, "[Boys] get a slap on the wrist and they tell them not to do it again, but [if] a girl does one thing wrong – [if] a girl runs away from home – [she gets] a month in the psych ward automatically."

Interviews with stakeholders also revealed unfamiliarity with "precise criteria for female-specific processing." The authors attribute this knowledge gap to an absence of federal criteria and an inability of experts to advise criminal justice officials about the nature and scope of female-specific initiatives.

However, the extant literature suggests that effective interventions for young women should include a "safe" therapeutic environment, programs that focus on personal development, training that encourages independent living, and comprehensive collaborations with community-based agencies.

However, much research work remains. As the authors conclude, "it is one thing to advocate a safe environment; it is something altogether different to advocate sex-specific programs in the absence of a clear consensus and general understanding of what such programs entail." The Research and Statistics Division is supporting research of a youth custody centre "before" and "after" the introduction of gender-segregated housing and programming, as a basis for developing gender sensitive training approaches, materials and manuals for ongoing staff development. This work highlights the importance of addressing staff and youth's attitudes, beliefs and behaviours with respect to gender.

Research strategies are also needed to examine the broader socio-economic conditions that bring young women into conflict with the law. Structural issues – such as employment and education opportunities, sexism in the criminal justice system, race and gender – need to be examined.



IMPAIRED DRIVING: PUNISHMENT OR TREATMENT?

Yu, J. (2000). **Punishment and alcohol problems: Recidivism among drinking-driving offenders**. *Journal of Criminal Justice* 28, 261-270.

Reviewer: Marilyn Roth, Research Assistant

This article questions the effectiveness of punishment in reducing recidivism in cases where the offender's criminal behaviour is a result of alcohol or substance abuse problems. The hypothesis of this study was that drinking problems and the use of sanctions tend to negate each other in cases involving repeat impaired driving offenders because sanctions reduce the likelihood of recidivism whereas alcoholism increases the likelihood. In this research study, these conditions were controlled so the effect of one condition could be estimated when the effect of the other was held constant. The study found that if an offender has a drinking problem, sanctions are not effective in decreasing the chance of recidivism. Because of this, Yu concluded that offenders should be screened for alcohol problems and those who are in need should be provided with alcoholism treatment. This is seen as essential in reducing impaired driving (ID) recidivism. Yu also concluded that this type of strategy should also be used for alcohol and drug abusing offenders who commit non-drunk driving related offences. There are programs for chronic impaired drivers and evaluations have demonstrated that they do in fact help reduce recidivism rates. One such program is The Turning Point Multiple DUI Treatment Program. Offenders in this program consistently had better success rates than the control group which consisted of ID offenders who did not participate in the program.

The data for this study were collected from a "high risk" sample of offenders who had previous ID offences. The sample included people from county jails, on probation, in alcohol treatment centres and from impaired driving programs. The data were collected from self-report surveys that were administered during 1989. Offenders were asked to indicate the number of ID offences they had committed. Alcohol problems were measured in two ways: a short version of the Michigan Alcoholism Screening Test and the average amount of alcohol consumed per day. The respondents were also asked to include the dates of the offences, the outcomes of case dispositions and the sanctions that had been imposed. The three categories for sanctions included whether or not they received a jail sentence, the length for which their license was suspended or revoked, and the amount of their fine. Yu also recognised that there are conditions that may affect ID recidivism rates beyond simply punishment and problem drinking, therefore two types of controls were included. Conviction type as well as conditional discharge were included as legal controls. The age and gender of the offenders at the time of each ID arrest were included as demographic controls.

The study generated a number of important findings. For one, the younger offenders are at the time of their first arrest, the more likely they are to re-offend. Secondly, males are more likely than females to have multiple arrests for ID. The hypothesis of the study was supported in that ID offenders' alcohol problems are by far the best way to predict future ID arrests. However, alcohol consumption alone did not effectively predict the occurrence of repeat ID offences.

The main conclusion of Yu's study was that punishment alone may not be the answer for reducing recidivism rates among those who are dependent on drugs or alcohol. Offenders who commit alcohol and drug related crimes should be screened for substance abuse problems so that specific sanctions and rehabilitative efforts can be integrated into their programs. Yu concluded that this will produce the best results in decreasing their chances of recidivism. Within the Department of Justice, an innovative approach is currently underway with substance abusing offenders in Toronto. Canada's First Drug Treatment Court is a program developed in response to the lack of success with traditional sentences. Although the program is relatively new, the preliminary results look promising. Rather than a simple custodial sentence or fine, the offenders are offered substance abuse treatment and are supervised by the court. The experience in Toronto's Drug Treatment Court is consistent with Yu's emphasis on treatment as a necessary component of an official response to impaired driving.

THREE STRIKES AND YOU'RE OUT!

Burt, G., Wong, S., Vander Veen, S., & Gu, D. (2000). **Three strikes and you're out: An investigation of false positive rates using a Canadian Sample.** *Federal Probation,* 64, 3-6.

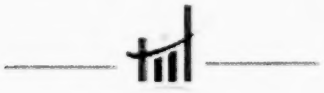
Reviewer: Jeff Latimer, Senior Research Officer

Most American states have some form of the "Three strikes and You're Out" sentencing policy wherein offenders who have committed three serious offences receive a mandatory 25-year sentence, without the possibility of parole. Using Canadian data, this article estimated the proportion of offenders who would have been incarcerated after a third strike, but would not have committed further violent offences. This estimated false positive rate is extremely useful in understanding the implications of such a policy. The central rationale used to justify this form of legislation is that the incarceration of habitually serious offenders will significantly reduce the overall level of violence in society. But as these authors rightly ask – At what cost? Even if we agree that this form of sentencing will be effective in reducing violence (which has not been established to-date) how many offenders are we unnecessarily incarcerating for 25 years at enormous social and economic costs?

In California, which has by far the largest number of offenders incarcerated under any form of Three Strikes legislation in the United States, a third strike does not have to be a serious or violent offence; it can be one of approximately 500 felony offences. While the authors used California as a model for determining strikes, conservative assumptions were made in the study design to avoid over-estimating the false positive rate and only violent offences were selected as third strikes.

Two separate random samples of Canadian male federal offenders, a national sample (N=50) and one from the Prairie region (N=45), were used in the research. Using a minimum 15-year follow-up period, the authors determined the number of offenders that did not commit further violent offences following a third strike. Since Canadian offenders are quite similar to American offenders in terms of age, gender and both general and violent recidivism rates, the authors argued this design provided an adequate comparison group. In the first sample of 50 third strike offenders, 15 offenders did not commit any further violent offences after release from incarceration. In the second sample of 45 offenders, 14 did not commit further violent offences after release. These findings indicate that approximately one-third of the studied offenders, who would have all been targeted by California's Three Strikes policy, did not go on to commit future violent offences.

The authors suggested that the incarceration of these false-positive cases will not have a future impact on reducing violence in society and also argued that over-incarceration does not serve the interests of justice nor the interests of tax-payers. More appropriately, funds should be invested in effective correctional treatment programs that reduce recidivism and provide a more humane method of reducing violence. As the Department of Justice continues to review and develop sentencing options to decrease violence, there are segments of society that will continue to argue for a similar Three Strikes policy in Canada. In fact, there is currently a private members bill before the house (Bill C-265) that proposes a three-strikes approach for offenders who commit any of fifteen specified offences. This research is an indication that such a legislative response may have rather significant economic and social consequences without conclusive evidence of significant reductions in violence.



FIREARM AVAILABILITY AND USAGE IN CANADA

Lester, D. (2000). **Gun availability and the use of guns for suicide and homicide in Canada.** *Canadian Journal of Public Health*, 19, 186-187.

Reviewer: Stephen Mihorean, Senior Statistician

Does the restriction of access to firearms - gun availability - effect on homicide and suicide rates? The answer to this question, obviously, depends very much on how you decide to define "gun availability". A number of studies have explored the extent to which the availability of firearms is statistically associated with homicides and suicides. Most of these studies have used levels of firearm ownership over time as their measure of firearm availability. In the present study, as he has done in his previous work, Lester chose to define gun availability indirectly. The author re-examined, from a Canadian perspective, the measures of firearm availability used by Cook in his work on the Role of Firearms in Violent Crime. The first measure is the accidental death rate from firearms, and the second is the average of the percentages of suicides and of homicides committed with firearms. These two measures are used to explore the statistical association between gun availability and the use of firearms for suicide and homicide.

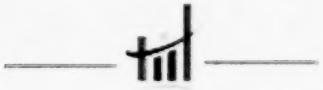
The present study draws upon 26 years of mortality and homicide statistics to suggest that easy access to firearms is associated with the use of firearms for suicide and homicide in Canada. Over the study period the use of firearms for suicide and homicide decreased while, according to the study's definition, firearms became less available. However, the data also show that the use of other methods became more common over the study period as well. Thus making a stronger case for displacement effects than it does for the impact of gun availability. That is, that gun availability will have little or no effect on overall suicide or homicide rates as people will simply switch to another method that is more readily available.

The study suggests that part of the decrease in homicide and suicide rates is "possibly" due to the passage of stricter firearm control law in Canada. An absence of multivariate regression analyses precludes us from adopting this suggestion given that there are a number of other events that occurred over this period of time that may have impacted upon homicide and suicide rates. The author does recognise that this analytical technique would reduce the number of other possible explanations.

On a methodological note, it would be worthwhile to repeat this exercise using the percentages of homicides and suicides as separate indirect measures of firearm availability, given that the association to suicide and homicide is discussed separately. That is, the percentage of suicides committed with firearms as one indirect measure of firearm availability and the percentage of homicides committed with firearms as another. Averaging the two percentages, as was done in the present study, weights both homicide and suicide equally, possibly limiting the conclusiveness of the argument. Though the correlations are provided, it is left to the reader to make the link between firearm availability and firearm suicide and homicide rates. A more complete explanation of the data's significance would have strengthened the analysis.

This study does make a Canadian contribution to the American-dominated literature in this area, and serves to introduce the reader to the debate over whether gun availability impacts upon homicide and suicide rates.

In light of the current debate around Canada's most recent gun-control legislation (Bill C-68), this work is timely. The author concludes by suggesting some areas for future research including assessing the impact of Bill C-68 on homicide and suicide rates as further data become available.



SAME-SEX RELATIONSHIP VIOLENCE

Turell, S. (2000). **A descriptive analysis of same-sex relationship violence for a diverse sample**. *Journal of Family Violence,* 15, 281-293.

Reviewer: Nicola Epprecht, Research Analyst

To many people, the words "battering" and "domestic" and "family violence" conjure up images of men beating women. However, same-sex relationship violence is starting to receive more attention. A few research studies have examined violence in lesbian relationships and research does exist regarding those of gay men. Even with this growing awareness, the family violence prevention movement largely ignores service provision to victims of same-sex relationship violence; conversely, the gay and lesbian community ignores the violence. Both of these phenomena result in silence about gay/lesbian battering, much like that of heterosexual relationship violence of decades past.

The purpose of this study was to estimate the rate of same-sex relationship violence in Southeast Texas for lesbians, gay men, and bisexual and transgendered people for both current and past relationships in an ethnically diverse sample. Due to the fact that many gay men and lesbians do not readily disclose their sexual orientation, a true random sample is impossible. Studies of this population can utilise only those participants who self-identify as gay, lesbian, bisexual, or transgendered. Therefore, the results should be interpreted cautiously, and may not be indicative of the entire gay/lesbian population. Fifteen hundred surveys were distributed across the Houston area over a period of several months. This survey was developed by the author based on non-standardised behavioural checklists of several local shelters for battered women. Each item could be endorsed about present and past same-sex relationships.

Approximately one-third (499) of the surveys were returned from self-selected participants. When asked to self-identify their current sexual orientation, 39% indicated they were lesbian, 11% identified as gay women, 43% as gay men, 5% as bisexual, and 2% heterosexual. This ethnically diverse sample included 75% Caucasian, 9% African-American, 8% Latino, 4% multi- or bi-ethnic people, 3% Native American, and 1% Asian.

For each item of abusive behaviour, prevalence rates were obtained for both current and past relationships. Items covered a range of abusive behaviours, including emotionally abusive behaviours, physically threatening behaviours and sexually abusive behaviours (demographic information was also included). All items were endorsed with greater frequency for past relationships than for current ones.

Lesbians reported significantly higher frequencies than gay men of physical abuse (55% vs. 44%), coercion (59% vs. 42%), threats (57% vs. 45%), shaming (77% vs. 62%), and children used as tools of control (12% vs. 5%). Transgendered people were more likely than either gay men or lesbians to experience their children used for control, equally likely to the lesbian group to be threatened, and less likely than both groups to experience coercion and shame. They were equally likely to experience physical abuse compared to gay men. This study included bisexual people, and heterosexual people who had previous same-sex relationships. Coercion, shame, and using children were all abuse categories with significant differences across sexual orientation. Interestingly, the bisexual participants reported lower frequencies of abuse in most categories.

The findings of the survey indicate that same-sex relationship violence may be more similar than different across ethnicities. The pattern that emerges across age categories seems to indicate a peak in most types of abuse in one's 20s, 30s, and 40s, with the

exceptions of sexual abuse and use of children. Sexual abuse appears to be more prevalent before the age of 30, and decreases further after the age of 50. Higher income is significantly associated with increased frequency of sexual and physical abuses, threats, stalking, and financial abuse.

This study confirmed that same-sex relationship violence is a significant problem for a sizeable proportion of the gay/lesbian/bisexual/ transgendered community (within the limitations of the sampling methods). It further indicates that this community experiences physical and sexual violence at comparable levels to the heterosexual community.

The findings of this study, coupled with the paucity of existing information, demonstrate that further research needs to be undertaken in the area of same-sex relationship violence. Past efforts have been made to increase the visibility of domestic violence, raise public awareness, and find solutions and help for those involved. Most of the research conducted in this area, however, has concentrated on spousal abuse in heterosexual relationships. This American research seems to indicate that same-sex partner violence suffers from the same problems of secrecy and dependency as many cases of heterosexual relationship violence did in the past. It also suggests that same-sex partner violence may become an emerging issue in the family violence prevention paradigm.

ORGANISED CRIME AND HUMAN TRAFFICKING

Schloenhardt, A. (2000). **Organised crime and the business of migrant trafficking: An economic analysis**. *Crime, Law and Social Change*, 32, 203-233.

Reviewer: Dan Antonowicz, Research Analyst

Organised crime has emerged as an important issue for a number of countries across the world. In recent years, an increasing amount of attention has been paid to organised crime activity, particularly at the transnational level. The latest efforts to examine organised crime have involved the economic analysis of these criminal organisations, their environment, structure and operations. This article examined organisations involved in the trafficking of migrants with respect to the economic analysis of transnational criminal organisations.

The international trafficking of migrants has evolved into a lucrative business for criminal organisations. The main reasons for this development are (1) the growing demand for international migration (both in the sending and receiving countries), (2) the restrictions on legal immigration imposed by industrialised countries which have created the demand for illegal sources of migration, and (3) the relatively low risks of detection, prosecution, and arrest for trafficking compared to other organised crime activities. These trafficking organisations systematically take advantage of the discrepancies that exist between different jurisdictions and legal systems around the world.

This article reports that the theories and models which are employed in the analysis of legitimate businesses and the legal market may also be applied to criminal organisations and the illegal market. The economic analysis of organised crime demonstrates that criminal organisations attempt to maximise their profits within their environment in a similar manner to legal organisations. Criminal organisations derive profits from activities in illegal markets by providing illegal goods and services.

The present analysis of migrant trafficking revealed that the organisational and operational patterns of this enterprise are similar to that of a provider of legitimate services although with some additional features that the illegal market requires (e.g., corruption and bribery). Traffickers adopt organisational elements of legitimate businesses such as management and human resources, and operational functions such as supply, production, distribution and finance, in order to maximise the economic return on their activities. From this perspective, trade opportunities, the surrounding economic landscape, and geographical factors are more relevant to consider in examining these organisations than focusing attention on the ethnicity and social background of the organisations.

The policy implications stemming from this study include directing legislation and law enforcement

efforts at the profitable market conditions of organised crime. The market and its environment are recommended as the key points for intervention to combat organised crime activities. In addition, attempts should be undertaken to co-ordinate legislation and law enforcement efforts across countries in order to reduce the discrepancies that allow these organisations to prosper.

In the Canadian context, the Policy Research Initiative (PRI) of the federal government has developed a number of interdepartmental networks to promote policy research of practical significance across departments (Department of Justice is among these). One of these networks, the Global Challenges Opportunities Network (GCON) has a Working Group on transnational organised crime which is examining trafficking in human beings. A report is being prepared that will describe the current experiences and practices of federal departments with respect to the international trafficking of persons.

THE USE OF CRIME STATISTICS IN THE MEDIA

Sacco, V. F. (2000). **News that counts: Newspaper images of crime and victimisation statistics**. *Criminologie*, 33, 203-223.

Reviewer: Nathalie Quann, Research Analyst

The media have an ever greater presence in contemporary society. At the same time as they report on current events, they give readers a background against which to form an opinion or perception of a specific incident. When the media make claims about crime or victimization, Sacco explains, they use statistics from a variety of sources in support of statements concerning the extent and scope of the type of incident being reported. These statistics thus become important tools in the social construction of reality.

In this article, Sacco presents the results of a study he conducted of crime statistics published in Canadian English-language print media during 1993 and 1994. He analysed 224 articles in newspapers and news magazines, focusing on two aspects: 1) how the statistics enter the news flow, and 2) how the statistics are packaged in a way that conforms with news values.

Sacco follows the social constructionists when he points to the way statistics are often used to make claims about the pervasiveness and scope of a problem, and how this may sometimes create alarm and a demand for social action to solve the problem. Such statistics enter the news in three ways: "data release" (for example, the daily bulletins from Statistics Canada), "debunking" of statistics (or charges of statistical error), and use of statistics as "background" information.

Statistics are often presented in the media in an entertaining way, using humour, irony and word play. They may also be presented as important news by emphasizing their unique character or the groundbreaking nature of the study methods. Finally, statistics may be presented in a way that gives primacy to the objectivity of the journalists.

Sacco says that journalists tend to use statistics to give their articles a bit more credibility and legitimacy: "Statistical rhetoric legitimates journalistic interest and invites public attention". The objective of journalists being to report the news rather than persuade readers that something is important, their intention is to offer a convincing construction of reality. However it has been argued that they fear readers will find numbers boring, and as a result they make an effort to use statistics in an attractive manner, bringing out humour, drama or public interest.

Sacco's article prompts reflection on how crime and victimization statistics are used in the print media. How many times have we read data showing a rise or fall in crime? How many times have we read criticisms or debates concerning national public opinion surveys or victimization surveys? And how many times have we wondered whether the facts were accurately reported or whether we were reading a completely unsatisfactory (re)construction of the situation? This article should make us think about these matters and it should make us take a more critical approach to items appearing in the print or electronic media. The result may be to call into question journalists' objectivity, and that of the

public. But as researchers, we have a duty to ensure our objectivity does not get lost in a sometimes erroneous or biased social construction of reality.

CURRENT AND UPCOMING RESEARCH FROM THE RESEARCH AND STATISTICS DIVISION

Biotechnology

The Research and Statistics Division has recently completed an environmental scan entitled 'A Biotechnology Scan for the Department of Justice'. This scan includes a series of questions and answers about biotechnology which range from the basic definition of biotechnology and genomics, the Human Genome Project, the Canadian biotechnology strategy, public opinion with respect to bio technology and the role of the Department of Justice in biotechnology.

Contacts: Ivan Zinger, Principal Researcher
Stan Lipinksi, Principal Statistician

Social Science Faculty Survey

The Research and Statistics Division is currently conducting a Social Science Faculty Survey. This survey builds on the success of the Canadian Law School Faculty Survey which was completed last year. Where the Canadian Law School Faculty Survey establishes closer links between the twenty-two law schools across Canada and the Department of Justice Canada in order to promote justice related research of mutual interest, the Social Science Faculty Survey will establish these links with social science faculties. Included are all schools or departments, both French and English, of criminology (13), Aboriginal Justice (1), sociology (53), political science (58) social work (33), and psychology (79). A report will be produced providing information on the areas of teaching and research interests of these faculty that are relevant to justice-related policy and legislation issues. In addition, we are building a database of these experts on which we can draw for social science research in support of the activities and programs of the Department.

Contacts: Anna Paletta, Research Analyst
Karin Stein, Research Officer

Emerging Crimes

Recently, the Research and Statistics Division held a Panel on Emerging Crimes for Department of Justice officials. The invited panellists were Nikos Passes (US), Petrus Van Duyne (Nethlds), Mike Levi (UK), Francisco Thoumi (United Nations) and, as co-ordinator, Tom Naylor of McGill University. Between them the panellists have written extensively on related topics including: Financial Havens, Banking Secrecy and Money Laundering; Hot Money And The Politics Of Debt; and Patriots And Profiteers (Naylor); Global Organised Crime and International Security (Van Duyne); It's Legal, but It Ain't Right: Harmful Social Consequences of Legal Industries; Informal Value Transfer Systems and Criminal Organisations: A Study into So-called Underground Banking Networks; and Transnational Crime (Passas); and World Drug Report 2000 (Thoumi). They have advised numerous national governments and international organisations such as the Council of Europe and the United Nations.

The panel discussions and interaction with Justice officials were lively and thought-provoking. A transcript and report are being prepared and can be requested from the Research and Statistics Division. As well, background reading from each of the authors is available. Further work, including the development of a literature review, is currently underway.

Contacts: Stan Lipinski, Principal Statistician
Valerie Howe, Senior Research Officer.

International Crime Victimisation Survey

Canada was one of over 30 countries that participated in the 2000 International Crime Victimisation Survey (ICVS), the fourth survey of this kind. So far, a total of 65 countries have participated in one or more cycles of the survey. The Canadian component of the survey was conducted in January to March 2000. A total of 2,078 persons aged 16 and older were

randomly selected across Canada for interviews by telephone.

Data on victimisation provide a wider perspective on crime than is provided by police reported crime data (such as the Uniform Crime Report) since "unreported" crimes are also included in this survey. The 2000 survey shows that both personal and household crimes are decreasing, thus confirming a similar decrease reported by the UCR. However, the data also show that fully one half of all crimes are not reported to the police, particularly sexual and non-sexual assaults.

The survey also provides useful information for various policy initiatives. The data on firearm possession are a good update on firearm ownership in Canada. The data on crime prevention programs show strong public support for the crime prevention initiative. The survey also contains information in the area of public attitudes. Data show that the fear of crime is finally decreasing, after many years of decreasing crime rates; that the public has high satisfaction with the work of the police; and, that the public is getting more punitive toward offenders.

Later this year, data for other countries participating in the survey will become available. The Canadian data from the survey will become even more useful as they can be put into an international context. A brief report entitled Victimisation in Canada: Preliminary Findings of the 2000 International Crime Victimisation Survey will be available shortly.

Contact: Dr. Kwing Hung, Senior Statistician

Costing Justice Policy: Methodology and Means

The Research and Statistics Division recently held a Panel on Costing Methodologies and Challenges for Department of Justice officials. The invited panellists were Owen Lippert (Fraser Institute), Patricia Brantingham (Simon Fraser University), Paul Brantingham (Simon Fraser University), Stephen Easton (Simon Fraser University) and Gloria Laycock (British Home Office). These panellists were invited to share their knowledge with the department because of their expertise in the area of costing justice work and their extensive experience in providing advice and costing models to government and non-government agencies. There was a good cross-section of representatives from across the department participating in the session.

A transcript and report are being prepared and can be requested from the organisers listed below. In addition to this session, further work is being undertaken in the area of costing and anyone with an interest in this area is invited to contact the Division for more information.

Contacts: Stan Lipinski, Principal Statistician
Chi Nguyen, Research Analyst

Access to Justice for Deaf Persons in Nunavut: Focus on Signed Languages

A study of signed languages among the Inuit populations of Nunavut was undertaken in response to a recent court case (*R. v. Suwarak*; 1999) in Nunavut Territory, in which the issue of providing sign language interpretation consistent with sections 14 and 15(1) of the Canadian Charter of Rights and Freedoms was raised. In the southern regions of Canada sign language interpretation is routinely provided by the courts to deaf persons who require it. As the deaf man before the court did not know ASL (English) or LSQ (French), no professional sign language interpreter could be provided. In addition, the deaf person had limited ability to speak, read or write. However, the deaf man did have knowledge of a signing system which he apparently used with facility to communicate with people in his immediate environment. The study here was to determine how the Charter rights of a deaf person in this unique situation could be met.

The findings of this study indicate that an indigenous form of sign language does exist. A preliminary analysis of various vocabulary items suggests that expected dialectal variation exists between and within communities, however preliminary indications are that there is a high degree of mutual intelligibility among the various dialects noted. From the point of view of the Charter, it is apparent that the Nunavut deaf population uses a variety of signed languages - ranging from ASL, to Manually Coded English (MCE), fingerspelling of English and what appears to be an indigenous form of sign language. The next step is to examine the feasibility of developing a court interpreter training program which addresses the linguistic situation of the deaf people of

Nunavut. A report will be available shortly from the Research and Statistics Division.

Contact: Anna Paletta, Research Analyst

Post-Charge Diversion Programs

The Research and Statistics Division has been involved in conducting research on two post-charge diversion programs in the Toronto area. An evaluation of the success of these two programs, in terms of recidivism rates and completion of the diversion agreement, was completed. In addition, Key Informant Interviews were conducted with Crown prosecutors, defence lawyers, offenders and community groups involved in the diversion programs to examine attitudes and perceptions surrounding both the diversion programs and restorative justice practices. The results of this research will be detailed in a final report which should be available in January, 2001.

Contact: Jeff Latimer, Senior Research Officer

Ontario Rural Woman Abuse Study (ORWAS)

The Ontario Rural Woman Abuse Study was a joint initiative of the Community Abuse Program of Rural Ontario and the Department of Justice Canada. The purpose of the project was twofold: first, to obtain a better understanding of the unique challenges confronting rural women experiencing domestic violence; and second, to identify the most appropriate supports and interventions that were effective for *rural* women living with abuse, with the hope to facilitate constructive community discussion or action around the issue.

Informed by principles of participatory, collaborative, feminist and community-based research methodologies, the community researchers conducted interviews with survivors of woman abuse, and held focus groups with community residents, service providers and community leaders. More than 100 individuals participated in the research study.

In total, reports on woman abuse in six distinct rural areas of Ontario were produced, along with background and synthesis reports and a procedural evaluation. In addition, the ORWAS research process was replicated in two rural sites in British Columbia, resulting in two reports. A copy of any of the ORWAS documents may be obtained by contacting the Research and Statistics Division of the Department of Justice Canada.

Contact: Niocla Epprecht, Research Analyst

Victims' Role in the Criminal Justice System

In response to the commitment of the Government of Canada to ensure that the views and concerns of victims of crime are considered at every stage of their involvement in the criminal justice system, the Research and Statistics Division of the Department of Justice Canada and the Policy Centre for Victim Issues have embarked upon several research initiatives related to victim issues. Amongst these projects, to be available in early 2001, is an in-depth, comprehensive literature review/analytical critique on the victim's role in the criminal justice process.

The report reviews relevant socio-legal research published in the area of the victim's role in the criminal justice process. Areas such as History and Theory, Victims' Rights in Canada, Victims' Rights around the Globe and Social Science Perspectives, Mediation and Victim Satisfaction are addressed.

Contact: Michelle Grossman, Senior Research Officer

Victims' Issues and Restorative Justice

The Research and Statistics Division is currently involved in a comprehensive literature review and analytical critique of victims' experiences with restorative justice including their expectations and perceptions of this emerging criminal justice response to crime. The report will examine the strengths and weaknesses of the existing literature as well as key issues requiring consideration for future policy development. The literature review is expected to be released in early 2001 and will help form the research foundation for future departmental initiatives examining numerous victims' issues in Canada.

Contact: Michael MacDonald, Research Analyst

RESEARCH AND STATISTICS DIVISION SEMINAR SERIES

Last year, the Research and Statistics Division began a series of seminars on topics related to the justice system. The purpose of the series is to introduce the work of scholars and justice professionals to the Department of Justice, as well as other federal departments, and provide an opportunity to discuss research and policy issues. The presentations are drawn from speakers in a number of academic areas including sociology, philosophy, criminology, psychology and law.

This years' Fall Series included the following sessions:

Getting Tough on Crime
Professor Paul Gendreau,
University of New Brunswick.
October 6, 2000.

Reflections on the Nexus between Research, Practice and Policy on Crime and Justice
Jeremy Travis,
Senior Fellow, Urban Institute, Washington D.C..
October 16, 2000.

The Sentencing Information System for Scottish Judges: Fostering the Growth of a Canadian Conception.
Dr. Cyrus Tata, Co-Director of the Centre for Sentencing Research, Law School Strathclyde University.
October 20, 2000.

Child Pornography on the Internet.
Dr. Max Taylor, University College Cork, Ireland.
October 31, 2000.

Contemporary Developments of the Growth of Victims' Rights.
Professor Alan Young, Osgoode Hall Law School, Toronto.
November 10, 2000.

Sex and Violent Death in the City, 1900-1990.
Dr. Rosemary Gartner, Professor of Criminology and Director of the University of Toronto Centre for Criminology.
December 1, 2000

Any suggestions you might have for future topics and/or speakers would be most welcome.

Contacts: Ivan Zinger, Principal Researcher
Karin Stein, Research Officer

CURRENT AND UPCOMING RESEARCH FROM AROUND GOVERNMENT

CORRECTIONS RESEARCH BRANCH, SOLICITOR GENERAL CANADA

Pardoned Offenders in Canada: A Statistical Analysis

Information was collected from National Parole Board files in February, 1999 in order to determine the characteristics of persons applying for pardons and their long-term outcomes. Three distinct studies were conducted. Study I examined the characteristics of a sample of pardon applicants and compared pardoned offenders with those that had been denied a pardon. Study II was concerned with only those offenders who were granted a pardon and examined the differences between successful and revoked pardoners. Study III examined a sub-sample of sex offenders whose pardons were revoked or ceased to be in effect and looked at additional sexual offending behaviour.

A Multi-Site Study of Treatment for Abusive Men

This study examined the relative effectiveness of four treatment programs for abusive men. Outcomes were assessed by new arrests for violence after an average 58 month follow-up period. Recidivism rates varied little across the four treatment programs,

despite their differences in underlying treatment philosophies.

Predicting Recidivism among Male Batterers

This report examined recidivism risk factors in a sample of 320 male batterers and determined that factors associated with violent recidivism for male batterers were similar to those found for other criminal populations including age, unstable lifestyle, substance abuse and criminal history.

CANADIAN SECURITY INTELLIGENCE SERVICE (CSIS)

Commentary & Perspective

Approximately ten years ago, CSIS began distribution of an unclassified, open source publication entitled "Commentary". Authored largely by professional subject authorities in the private sector, especially the world of academe, the papers appeared several times per year and are related to strategic issues of potential concern to the security of Canada. The October issue was entitled "South Africa 2000, Stability Achieved – Potential Security Threats Remain", the third in a series of articles devoted to South Africa since the inception of the Mandela era. The November issue is entitled "Potential for Domestic Instability in the People's Republic of China in the Medium-term (2001-2006)". CSIS also has begun publishing a second unclassified, open source paper, "Perspective", which has a more narrow focus upon potential security concerns. The latest edition addresses the topic of "Anti-Globalisation – A Growing Phenomenon". Copies of Commentary or Perspective may be obtained by contacting CSIS directly or through their web site http://www.csis-scrs.gc.ca.

Transnational Criminal Activity

The Canadian Intelligence Security Service recently released a public report entitled "Transnational Criminal Activity: A Global Context describing the growth and prevalence of transnational criminal activity in a global context". The report highlights the broad range of activities international criminal organisations undertake and the how such behaviour has become intricately woven into both illegal and legal business ventures. The report also describes the threat transnational criminal activity represents to the global market place and provides examples of particular areas around the world that are considered to be criminal 'hot spots'. After outlining several emerging themes in the area of transnational crime, the report specifically details the impact transnational criminal activity has within a Canada context.

CANADIAN CENTRE FOR JUSTICE STATISTICS, STATISTICS CANADA

Crime Statistics in Canada 1999 (Vol. 20, No. 5)

This Juristat noted that the 1999 crime rate was 7,700 offences per 100,000 people (7.7 offences per 100 persons). This rate was 5.0% lower than during 1998 and 25% lower than during 1991and was the lowest crime rate in the last 20 years. This was also the eighth consecutive annual decrease in the overall crime rate. Property crimes accounted for 55% of all Criminal Code offences in 1999 while violent crimes accounted for 12%.

Family Violence in Canada: Statistical Profile 2000

According to the General Social Survey 1999, women and men experience violence in similar proportions. Eight percent (8%) of women and 7% of men experienced some type of violence involving an intimate partner during the previous 5-year period. However, there are differences in type, seriousness and occurrence of violence between men and women: women experience more serious forms of violence, they were more likely than men to report being victimised on more than one occasion, they reported physical injury in higher proportions and they also suffered greater negative consequences as a result of spousal violence. This report also examines police reports of spousal violence and spousal homicide, violence against children and youth, and violence against older adults.

Homicide in Canada 1999 (Vol. 20, no.9)

This Juristat reported the lowest homicide rate since 1967. The homicide rate in Canada was 1.8 per 100,000 population in 1999, 4% lower than the previous year. Just over half (51%) of the reported homicides in 1999 were classified by the police as first degree murder, 39% as second degree murder and 11% as manslaughter. There was however a small increase in the number of firearm homicides (151 in 1998 to 165 in 1999). Firearm homicides represent

31% of all homicides reported to police in 1999. Canada's homicide rate is 3 times lower than the United States (5.8 per 100,000 population), however, the Canadian rate is still higher than many European countries (England and Wales, France, Germany, Italy, and Switzerland).

Upcoming releases will include data on criminal victimisation, criminal harassment and public perceptions of the criminal justice system. For more information on these releases or any justice statistics, please contact Nathalie Quann of the Research and Statistics Division or the Canadian Centre for Justice Statistics at 1-800-387-2231.

Contact Us

Research and Statistics Division
Department of Justice Canada
284 Wellington Street
Ottawa, Ontario K1A 0H8

Fax: (613) 941-1845

E-mail: rsd.drs@justice.gc.ca

Intranet Site (within Justice):
http://dojnet/rsd_e/default.htm

Internet Site:
http://canada.justice.gc.ca/en/ps/rs/index.html